

**Meeting of the Central Valley Flood Protection Board  
September 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18335 (Attachment A) to construct a see through iron fence with concrete pillars on the waterside crown shoulder of the left (east) bank levee of the Sacramento River.

Applicant

Ken Wegner

Location

The project is located in Sacramento, north of San Juan Road at 3815 Garden Highway. (Sacramento River, Sacramento County see Attachment B).

Description

To construct a 175-foot-long, 5-foot-high, see through iron fence with concrete pillars (on 20-foot-centers) on the waterside crown shoulder of the left (east) bank levee of the Sacramento River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- Reclamation District No. 1000 has endorsed this application (Permit Exhibit A).

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 2 Categorical Exemption (CEQA

Guidelines Section 15302) covering replacement of existing structures and facilities where the new structure will be located on the same site with the same purpose as the prior structures and facilities.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18335 BD****This Permit is issued to:**

Ken Wegner  
3815 Garden Highway  
Sacramento, California 95834

To construct a 175-foot-long, 5-foot-high, see through, iron fence with concrete pillars (on 20-foot-centers) on the waterside crown shoulder of the left (east) bank levee of the Sacramento River. The project is located in Sacramento, north of San Juan Road at 3815 Garden Highway (Section 17, T9N, R4E, MDB&M, Reclamation District 1000, Sacramento River, Sacramento County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18335 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of The Reclamation Board.

**FOURTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless The Reclamation Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 from any liability or claim(s) of liability associated therewith.

**FIFTEEN:** The Reclamation Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 shall not be held liable for damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

**SIXTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**SEVENTEEN:** No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior written approval of The Reclamation Board.

**EIGHTEEN:** No excavation shall be made or remain within the flood control project works during the flood season from November 1st to April 15th without express written consent from The Reclamation Board.

NINETEEN: No construction material stockpile(s) and/or equipment shall remain in the floodway during the flood season from November 1st to April 15th.

TWENTY: Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain within the project works during the flood season from November 1st to April 15th.

TWENTY-ONE: All debris generated by this project shall be disposed of outside the Sacramento River adopted plan of flood control.

TWENTY-TWO: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of The Reclamation Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

TWENTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) is/are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of The Reclamation Board or Department of Water Resources. If the permittee does not comply, The Reclamation Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FOUR: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, The Reclamation Board may remove the encroachment(s) at the permittee's expense.

TWENTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of The Reclamation Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-SIX: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 1000 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-SEVEN: When work is proposed on land owned in fee by the Central Valley Flood Protection Board, the permittee shall secure an easement, license, or temporary entry permit from the Central Valley Flood Protection Board prior to commencement of work. Contact Jeffery Fong at (916) 657-2831.

TWENTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, 2008, which is attached to this permit as Exhibit B and is incorporated by reference.

THE RECLAMATION BOARD

Exhibit A

Application No. 18335  
(For Office Use Only)

APPLICATION FOR A PERMIT

1. Description of proposed work: REPLACE WITH IDENTICAL FOOTPRINT  
DRIVEWAY, FENCE, & GATES.

2. Location: SACRAMENTO County, in Section 17,  
Township: 9 (N) (E)  
(S), Range 4 (W), M.D.B.&M.

3. KEN & CARL WEGNER of 3815 GARDEN HIGHWAY  
Name of Applicant Address  
SACRAMENTO CA 95834 916-649-3222  
City State ZIP Code Telephone Number  
916-641-0968  
FAX Number

4. Endorsement: (of Reclamation District)  
We, the Trustees of Reclamation District No. 1000  
District Name and Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☒ Conditions Attached ☐ No Conditions

Paul [Signature] 2-20-08  
Trustee Date  
Not Required by Resolution of the Board of  
Trustees  
September 14, 1984

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

DON BRYCE 3831 GARDEN HWY SAC. CA. 95834  
Name Address ZIP Code  
GLENN BOYD 3791 GARDEN HWY SAC. CA. 95834  
Name Address ZIP Code





EXHIBIT A

Exhibit A

RECLAMATION  
DISTRICT 1000

**Permit Conditions**

**Permit Application No.** Unnumbered

**Location:** 3815 Garden Highway—Sacramento River RM 65.3L (approx)

**Applicant:** Ken and Cari Wegner

**Description:** Permit for 5 foot high ornamental metal fence with block pillars

**CONDITIONS:**

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such removal, alteration, relocation or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the encroaching facilities interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work
4. Permittee acknowledges RD 1000, State Reclamation Board, and other flood control officials or their authorized representatives may access the levee slope and immediately adjacent area as necessary to carry out their flood control responsibilities without restriction.
5. Proposed fence shall be set constructed per the sketches submitted with the permit application including minimum of 20 foot spacing between solid pillars and 4-inch minimum spacing between vertical fence bars. Fence shall be located as far as practical from the white fog line on the Garden Highway to the satisfaction of the District and Reclamation Board. No landscaping or other vegetation planting is approved by this permit and shall not be placed behind the proposed fence. The newly planted trees along the waterside slope must be removed prior to construction of the new fence.

6. Permittee is responsible for trimming and maintaining the pre-existing vegetation (juniper trees/shrubs) to allow for full visibility of the levee slope and adjacent area to the satisfaction of the District.



REQUIREMENTS, FORMAT & DRAWINGS

KEN WEGNER



